


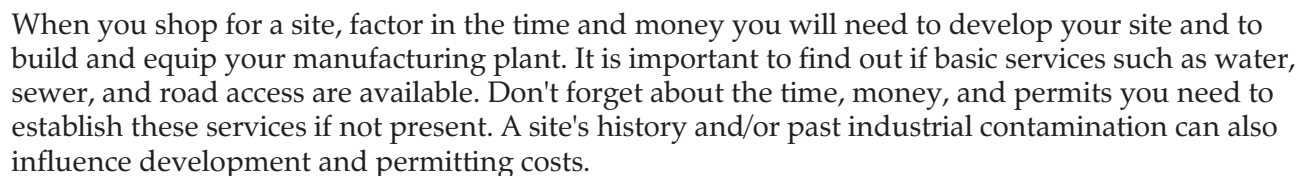


This fact sheet gives you:

- Tips for how to reduce your permits so you can save time and money.
- The six steps to biodiesel permitting that describe the most common permits you will need.
- Online resources to help you through the permitting process like flow charts and applications.
- Contact information for regional regulatory assistance leads who can answer your questions.

To reduce the permits you need you should select a site that is:

- Already zoned for industrial use.
  - Supported by an existing water system that has existing water rights available to provide sufficient process water.
  - Supported by a wastewater treatment plant that has the capacity and permits to accept your facility's wastewater.
  - Equipped with adequate roads and intersections to support your transportation activities.
  - Supported by adequate energy utilities that can meet your project's energy needs.
  - Equipped with existing structures and/or storage tanks you can use.
  - Supported by sufficient fire and emergency response personnel.
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You should also be aware that you may need to adapt your construction footprint to avoid a floodplain or other sensitive environmental areas. If you can't avoid these areas you can identify and implement mitigation to avoid or reduce the impact to these areas. Depending on the circumstance your costs can increase or decrease.

# Six Steps to Biodiesel Permitting

## Step #1: Zoning and Environmental Review (SEPA)

**Zoning.** To save time pick a site where there are no zoning restrictions for a biodiesel facility. The local planning agency can tell you what zoning applies to your site. A biodiesel facility is best suited for an industrial zone. Also find out about local zoning restrictions. Ask the local planning department if there is any special state or federal land use restrictions (such as a National Scenic Area) that could impact your facility.

**Critical Area Ordinance Evaluation.** In Washington, most cities and counties have critical areas ordinances which set up land use restrictions for sensitive areas. Check with the city or county to find out if your proposed site is within a "critical area". Critical areas typically include:

- steep slopes,
- aquifer recharge areas,
- wetlands,
- significant fish and wildlife habitat,
- frequently flooded areas, or
- volcanic hazard zones.

**Environmental Review or SEPA.** The Washington State Environmental Policy Act (SEPA) is a process not a permit. The SEPA environmental review process is designed to work with other regulations to provide a comprehensive review of a proposal. Most regulations focus on particular aspects of a proposal, while SEPA requires the identification and evaluation of probable impacts to all elements of the built and natural environment.

The SEPA process requires you to describe your project, its environmental impacts, and any mitigation you will implement to avoid or reduce impacts. Simple projects may complete the SEPA process in several months. If your project has significant impacts an Environmental Impact Statement (EIS) may be needed to more thoroughly describe and evaluate your proposal.

You should start the SEPA process as soon as possible because many permits cannot be issued until after a SEPA determination is made. If your project will use federal loans or grants or will need certain federal permits, the project must comply with the federal version of SEPA, called the National Environmental Policy Act (NEPA).

- ✓ Learn more about the SEPA process at:  
[www.ecy.wa.gov/programs/sea/sepa/e-review.html](http://www.ecy.wa.gov/programs/sea/sepa/e-review.html).
- ✓ Download the SEPA Guide for Project Applicants at:  
[www.ecy.wa.gov/programs/sea/sepa/apguide/apguide1.htm](http://www.ecy.wa.gov/programs/sea/sepa/apguide/apguide1.htm).
- ✓ Learn more about NEPA at: [www.epa.gov/compliance/nepa/](http://www.epa.gov/compliance/nepa/).



## What starts the SEPA process?

To start the SEPA process you will usually fill out and submit an Environmental Checklist to the "lead agency". An environmental checklist is not required if the applicant and lead agency agree that an EIS is needed or when the project has already been evaluated under NEPA or another SEPA process.

In most cases the city or county is the lead agency for private projects. However, there are times when Ecology is the lead agency. For example, either Ecology or the Energy Facility Site Evaluation Council (EFSEC) is the lead agency for a facility that stores a million gallons or more of fuel.

- ✓ Download the Environmental Checklist at: [www.ecy.wa.gov/biblio/ecy05045.html](http://www.ecy.wa.gov/biblio/ecy05045.html).

**What does the Lead Agency do?** The lead agency is responsible for evaluating the proposal and issuing the SEPA determination. The lead agency will review your Environmental Checklist and ask other agencies for feedback. You may have to submit more information before a decision can be made. The Lead Agency will issue one of the following decisions:

- **Determination of Nonsignificance (DNS):** A DNS decision is made when a project **is not likely** to have significant unavoidable adverse environmental impacts
- **Determination of Significance (DS):** A DS decision is made when a project **is likely** to have significant unavoidable adverse environmental impacts that cannot be mitigated. A DS triggers the EIS requirement mentioned above.
- **Mitigated Determination of Non-Significance (Mitigated DNS):** A Mitigated DNS decision is made when a project **will have** adverse environmental impacts which could be reduced or avoided through acceptable mitigation.

## Step #2: Typical Permits and Approvals to Develop a Facility

Below is a description of the typical local, regional and state permits you will need to develop your facility.

### Local Permits

Local ordinances and permits vary from jurisdiction to jurisdiction. It is important to contact the local agencies in the jurisdiction where your site is located. They can confirm the exact local requirements for your project.



**Building or Grading Permit.** If you plan to clear, grade or build on the site, you will need a building or grading permit. Grading permits usually apply to land clearing, changing the natural land contours, digging or moving soil.

**Conditional Use Permit or Special Use Permit.** Some local governments use conditional use or special use permits to manage impacts to communities and the environment. These permits approve the development of the site as long as certain conditions are met. For example, an area zoned for industrial activities may allow all types of industry except for those that create noise pollution above a certain level. Conditional use permits typically take several months to get and usually involve a public hearing.

**Electrical, Plumbing and Mechanical Permits.** Check with the local building department on the necessary electrical, plumbing and mechanical permits. These permits usually require detailed plans along with the permit application. Electrical work is also inspected by the Washington Department of Labor and Industry.

**Fire Code.** Biodiesel facilities need local fire department permits which are based on the International Fire Code and additional local conditions. Fire permits may be issued as part of the building permit process or separately. Permit requirements can apply to:

- safety,
- fire protection,
- above ground storage tanks,
- corrosives,
- cryogenic fluids,
- flammable and combustible liquid,
- liquefied petroleum gas, and
- hazardous materials.

Contact the local fire district for specific requirements and find out whether they issue one permit, or separate permits. Read information about underground storage tanks under Regional and State Permits below.

- ✓ International Fire Code Web site: [www.ifci.org](http://www.ifci.org).

**Boiler/Pressure Vessel Permit.** Some cities and counties require boiler or pressure vessel permits. Check with the local building department to find out if you will need this permit. Read more information about boiler/pressure vessel installation permits under Regional and State Permits below.

**Road Permit.** If your facility will need new access to a city or county road from private property you will need to get a road access permit. Contact the local public works department early in the project. They can help identify the need to upgrade or expand roads based on the amount of traffic your facility will create. If your facility will impact state or federal roads, you will need a different road access permit from the Washington Department of Transportation (WDOT).

**Flood Plain Permit.** If your site is in a 100 year floodplain as shown on maps from the Federal Emergency Management Agency you will need a flood plain permit. Contact the local planning department about this requirement.

- ✓ See the Permit Handbook for details:  
<http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=47>.

**Solid Waste Handling Permit and Testing.** You may need a solid waste handling permit if you plan to:

- store and process used cooking oil (vegetable oil) or yellow grease,
- landfill solid waste on-site,
- spread solid waste on the land,
- store waste in surface impoundments,

- compost,
- store waste in piles, or
- store waste in tanks.

Farmers who grow crops for biodiesel production do not need a solid waste permit. Contact the local health department about your specific solid waste handling, recycling and disposal plans.

Biodiesel refining produces a dry cake-like ash that should be initially tested to find out if the ash can be disposed in regular trash or if special handling is needed. Read information about special handling under Dangerous Waste below.

- ✓ See the Permit Handbook for details:  
<http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=83>.
- ✓ Find the local health departments and districts that can help you at  
[www.doh.wa.gov/LHJMap/LHJMap.htm](http://www.doh.wa.gov/LHJMap/LHJMap.htm).

**On Site Sewage System Permit.** If you are not able to hook up to a wastewater treatment plant for domestic sewage on your site, you can choose to design and install a sewage treatment system that includes a septic tanks and drain field to treat domestic sewage.

Local health departments approve permits for systems that will receive less than 3,500 gallons of domestic sewage per day. The state's Department of Health or Department of Ecology will review and approve the permit for larger systems.

Process wastewater can not be discharged into septic systems. Read the information about industrial wastewater permits under Regional and State Permits below. If you will be discharging non-domestic wastewater to sanitary sewers, you may need a pretreatment permit. In some areas these are issued by the local wastewater treatment plant.

- ✓ Find the local health departments and districts that can help you at:  
[www.doh.wa.gov/LHJMap/LHJMap.htm](http://www.doh.wa.gov/LHJMap/LHJMap.htm).

**Shoreline Permit.** If you build or modify a facility near a lake, river or marine shoreline, or associated wetlands you may need a shoreline permit. Read more about permits you need for facilities near waterbodies or wetlands in Step 3.

## Regional and State Permits

Regional and state agencies implement rules that protect public health and the quality of the environment. Many pollution control laws are assigned to state agencies. This promotes a consistent approach to protecting communities and lands across the state from environmental pollution.

**Air Quality Notice of Construction (NOC).** Biodiesel processing facilities will be a new source of air contamination. This means before you start construction you will need an air quality NOC permit. Depending on what county you are in the local clean air agency or the Department of Ecology's regional office will review and approve this permit. The timeframe to get this permit is typically 60 to 90 days. This permit must be issued before the start of construction on your project.



If the project is regulated by the Department of Ecology rather than a local clean air agency, call the ORA Call Center to find out who to contact in Ecology's Air Quality Program.

- ✓ Learn how to apply for an air quality NOC permit at: [www.ecy.wa.gov/biblio/ecy070121.html](http://www.ecy.wa.gov/biblio/ecy070121.html).
- ✓ See the Permit handbook for the application and process flow chart at: <http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=1>.
- ✓ Find the local clean air authority that can help you at: [www.ecy.wa.gov/programs/air/local.html](http://www.ecy.wa.gov/programs/air/local.html).

In addition to meeting requirements of state and local air pollution control regulations, a number of federal requirements may apply depending on the process steps incorporated and the size of the biodiesel operation. The agency that will process your NOC application can assist you in identifying which federal air quality rules that apply.

**Air Operating Permit (AOP).** Depending on the amount of air pollution your facility has the potential to create you may need an AOP. An AOP adds up all the air pollution requirements of a qualifying facility. The amounts of air emissions that will trigger an AOP are:

- 10 tons per year or more of any one federally-defined hazardous air pollutant (HAP),
- 25 tons per year or more of all the HAPs, or
- 100 tons or more of nitrogen oxides, sulfur oxides, volatile organic compounds carbon monoxide, or particulate matter.

The principle HAP of concern for a biodiesel facility is methanol, though other chemicals may also be present. If your facility qualifies for an AOP you have twelve months, from the time you complete the installation of the biodiesel system, to submit the permit application.

You can operate your biodiesel system, under the NOC permit terms, as soon as it is installed. The same agency that would issue the NOC permit issues the AOP. Contact the relevant agency for details.

You must renew both of these permits every five years. If your facility has an existing AOP the renewal date will change depending on how and when the biodiesel system was incorporated into your existing permit.

- ✓ See the Permit Handbook for details and the process flow chart at: <http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=51>.
- ✓ Learn more about HAPs at: [www.epa.gov/ttn/atw/188polls.html](http://www.epa.gov/ttn/atw/188polls.html).
- ✓ Washington's local clean air authorities: [www.ecy.wa.gov/programs/air/local.html](http://www.ecy.wa.gov/programs/air/local.html).

**Water Right Permit.** Because water is limited in some watersheds it is important to check on water availability when you choose a location.

You will not need a water right permit if the:

- Facility can get water from an existing municipality or private water system which has adequate water rights to meet your needs.

You *will need* a water right if:

- You need more than 5,000 gallons of water a day,
- You plan to use surface water as your water source, or
- A municipal or private water system is not available or does not have adequate water rights to meet your needs.

Call the ORA Call Center to find out who to contact in Ecology's Water Resources Program.

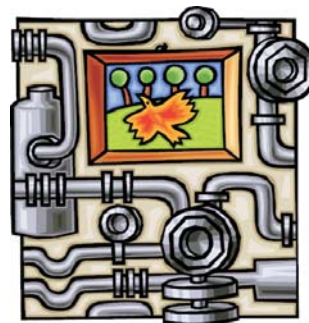
- ✓ See the Permit Handbook for application forms and process flow charts:
  - New water right: <http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=78>.
  - Water right change request: <http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=79>.

## Wastewater Discharge Permits.

The type of wastewater discharge permit you need will depend on where your industrial wastewater and stormwater will go: sanitary sewer, surface water, or to land (ground water). We encourage you to schedule a pre-application meeting with Ecology to discuss your wastewater permits. These meetings can give you technical feedback on how to design and operate your facility to minimize pollution. The meetings also explain the permit process and timeframes. If you will be discharging non-domestic wastewater to sanitary sewers, you may need a pretreatment permit. In some areas these are issued by the local wastewater treatment plant.

You will need a *State Waste Discharge Permit* if your facility will:

- Discharge wastewater and stormwater to a sanitary sewer system that is publicly-owned.
- Construct and/or operate a privately-owned treatment plant.
- Discharge industrial wastewater to land.
- ✓ See the Permit Handbook for the application and process flow chart: <http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=20>.



You will need to submit an Engineering Report at least 30 days prior to the time you want to commence construction if:

- You will be treating wastewater prior to discharge to waters of the state,
- Pretreating wastewater prior to discharge to a POTW.
- ✓ Read the regulations at [www.ecy.wa.gov/pubs/wac173240.pdf](http://www.ecy.wa.gov/pubs/wac173240.pdf).
- ✓ Read the guidance at <http://www.ecy.wa.gov/pubs/9837/start.pdf> (Criteria for Sewage Works Design)

You will need a ***National Pollution Discharge Elimination System (NPDES) Permit*** if your facility will discharge construction, stormwater, or industrial wastewater directly into a surface water of the State.

- ✓ See the Permit Handbook for the process flow chart at:  
[http://www.ecy.wa.gov/programs/sea/pac/ppds\\_info/construction\\_stormwater\\_coverage\\_schematic.pdf](http://www.ecy.wa.gov/programs/sea/pac/ppds_info/construction_stormwater_coverage_schematic.pdf). (for construction stormwater permit) or  
[http://www.ecy.wa.gov/programs/sea/pac/ppds\\_info/NPDES\\_Individual\\_Industrial\\_Permit\\_Schematic.pdf](http://www.ecy.wa.gov/programs/sea/pac/ppds_info/NPDES_Individual_Industrial_Permit_Schematic.pdf). (for discharge of process wastewater)
- ✓ Download the application at: [www.ecy.wa.gov/programs/wq/stormwater/construction/](http://www.ecy.wa.gov/programs/wq/stormwater/construction/).
- ✓ Read the guidance at: [www.ecy.wa.gov/biblio/9937.html](http://www.ecy.wa.gov/biblio/9937.html).

You will need an ***NPDES Industrial Stormwater General Permit*** if your facility will only discharge stormwater and no industrial wastewater. You do not need this permit if your stormwater is combined with your other wastewater that goes to a wastewater treatment plant.

- ✓ See the Permit Handbook for the process flow chart at:  
<http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=17>.
- ✓ Read the guidance and download the application at:  
[www.ecy.wa.gov/programs/wq/stormwater/industrial/index.html](http://www.ecy.wa.gov/programs/wq/stormwater/industrial/index.html).

You will need a NPDES Construction Stormwater Permit if you grade, re-contour or otherwise disturb more than one acre of soil at your site. The permit sets requirements for stormwater control while your facility is under construction. Once the soil at your site is stabilized you are finished with construction, the permit is closed. Once your facility is built and ready to operate, you may need an industrial stormwater permit that is described above. Expect to receive the permit about 60 days after submitting a complete application.

- ✓ See the Permit Handbook for the application and process flow chart:  
<http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=16>.
- ✓ Read the guidance at [www.ecy.wa.gov/biblio/9937.html](http://www.ecy.wa.gov/biblio/9937.html).
- ✓ Download the application at [www.ecy.wa.gov/programs/wq/stormwater/construction/](http://www.ecy.wa.gov/programs/wq/stormwater/construction/).

**Reclaimed Water Permit.** If your facility will reclaim and reuse water (other than within process) you will need a reclaimed water permit from Ecology and the Department of Health. This permit may be combined with a State Waste Discharge Permit or a NPDES Permit (described above), depending on the circumstances.

The Washington Department of Health and Ecology work together to issue the permit and conduct inspections. In most cases, this permit has a five-year life span. After you submit a complete

application, expect a minimum of six months to receive a permit. We encourage pre-application meetings before you submit your application.

- ✓ Read the fact sheet at: [www.ecy.wa.gov/pubs/0510012.pdf](http://www.ecy.wa.gov/pubs/0510012.pdf).
- ✓ Download the application at: [www.ecy.wa.gov/biblio/ecy070180.html](http://www.ecy.wa.gov/biblio/ecy070180.html).
- ✓ Visit the Reclaimed Water Web site at:  
[www.ecy.wa.gov/programs/wq/reclaim/index.html#Reclaimed%20Water%20Permit](http://www.ecy.wa.gov/programs/wq/reclaim/index.html#Reclaimed%20Water%20Permit).

**Underground Storage Tank (UST) Regulations.** Underground tanks at your facility that contain 100% biodiesel are not subject to UST regulations. Tanks that contain a blend of biodiesel with petroleum diesel and other petroleum product or hazardous substance must comply with UST regulations. Contact the ORA Call Center to find out who to contact in Ecology's Underground Storage Tank Program.

- ✓ See the Permit Handbook for the application and process flow chart at:  
<http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=11>.
- ✓ Read the fact sheet at: [www.ecy.wa.gov/biblio/0309103.html](http://www.ecy.wa.gov/biblio/0309103.html).
- ✓ Visit the UST Web site at: [www.ecy.wa.gov/programs/tcp/ust-lust/tanks.html](http://www.ecy.wa.gov/programs/tcp/ust-lust/tanks.html).

**Boiler / Pressure Vessel Installation Permit.** If your facility will have a boiler you will need a boiler/pressure vessel installation permit from the Department of Labor and Industries. You must get the permit before you install, move or reinstall any boiler or pressure vessel at your facility.

- ✓ Get more information at: [www.lni.wa.gov/TradesLicensing/Boilers/default.asp](http://www.lni.wa.gov/TradesLicensing/Boilers/default.asp).
- ✓ Download the application at: [www.lni.wa.gov/TradesLicensing/Boilers/FormPub/default.asp](http://www.lni.wa.gov/TradesLicensing/Boilers/FormPub/default.asp).

**Road Approach Permit.** If state roads will need improvement or expansion to support your facility or because of traffic impacts from your facility, you will need a road approach permit from the Washington Department of Transportation (WDOT). Contact WDOT early in the project to find out if you need this permit.

- ✓ Department of Transportation regional offices: [www.wsdot.wa.gov/contact/officelocation.htm](http://www.wsdot.wa.gov/contact/officelocation.htm).

**Archaeological Permit.** If you discover an historic or archeological artifact while you are constructing a new facility you will need an Archaeological Permit. Contact the Department of Archeology and Historic Preservation before you start your project. They can tell you if historic or archeological sites have been found nearby. If you are receiving federal grants or loans to help construct your facility you are required to have a Cultural Resource Assessment.

- ✓ Department of Archaeology & Historic Preservation: [www.oahp.wa.gov/](http://www.oahp.wa.gov/).
- ✓ See the Permit Handbook for the application at:  
<http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=4>.

## Step #3: Other Permits You Need for Facilities Near Waterbodies or Wetlands

A combination of local, state and federal agencies regulate projects that disrupt or require construction in or near lakes, streams, wetlands or marine areas. To better coordinate this process many agencies now use a single permit application called a Joint Aquatic Resource Project Application (JARPA).



- ✓ Download the JARPA form at [www.ecy.wa.gov/programs/sea/pac/jarpa.html](http://www.ecy.wa.gov/programs/sea/pac/jarpa.html).

**Shoreline Permit.** You will most likely need a shoreline permit if your facility is located within:

- 200 feet of the ordinary high water mark of a shoreline of the state (river, lake, or saltwater), associated wetland or
- within the 100 year floodplain.

Contact the local planning department to discuss your site design in the early stage, and ask for suggestions on how to design the site to minimize shoreline impacts. You may be able to reduce permit requirements by modifying your site design. Not all local governments use the JARPA form mentioned above, so check with the local planning department.

**Wetlands.** Any development in or near wetlands not associated with shorelines of the state are also subject to local requirements adopted by cities and counties under the Growth Management Act. This type of development may also be subject to the other permits described in this section.

- ✓ See the Permit Handbook for information about the:
  - Shoreline Conditional Use Permit:  
<http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=44>.
  - Shoreline Substantial Development Permit:  
<http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=38>.
  - Shoreline Variance Permit:  
<http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=45>.

**401 Water Quality Certification.** If construction of your facility requires a federal permit (such as a permit from the Army Corps of Engineers (Corps)) you will also need a 401 Water Quality Certification from Ecology. When Ecology issues a 401 Certification they anticipate your project will comply with state water quality standards and other aquatic resource protection requirements. The 401 Certification can cover both the construction and operation of the proposed project. Conditions of the 401 Certification become conditions of the Federal permit or license issued by the Corps.

Contact the Ecology regional office early to discuss the design and operation of your site. Ask for suggestions on how you can minimize impacts of your project and reduce the requirements of the 401 Certification. Use the JARPA form for this permit.

- ✓ See the Permit Handbook for the JARPA form and the process flowchart at:  
<http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=43>.

**404 Permit - Permit for Discharge of Dredge and Fill Material.** If construction of your facility will impact water, wetlands, marine lands or other "waters of the U.S.", you will need a permit from the Corps. Typical projects that require this permit include dredging, filling, and clearing along rivers, wetlands or shorelines.

Contact the Corps before you submit an application. They can tell you which process applies to your site and how long it will take. Ask for suggestions for how you can design your site to minimize impacts and reduce requirements of the 404 permit. You may be able to eliminate this permit by redesigning the site footprint. Use the JARPA form for this permit.

- ✓ Visit the Army Corps of Engineers online at:  
[www.nws.usace.army.mil/PublicMenu/Menu.cfm?sitename=REG&pagename=staff\\_2](http://www.nws.usace.army.mil/PublicMenu/Menu.cfm?sitename=REG&pagename=staff_2).
- ✓ See the Permit Handbook for more information:  
<http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=37>.

**Section 10 Permit - Permit to Work in Navigable Waters.** If construction of your site will create an obstruction or alternation in, over, or under navigable waters you will need a permit to work in navigable waters. Typical projects that require these permits include the construction and maintenance of piers, wharfs, dolphins, breakwaters, bulkheads, and groins.

Before you submit your application, contact the Corps to find out which process applies to your site. Ask for suggestions on how you can design your site to minimize impacts and reduce requirements of the Section 10 permit. Use the JARPA form for this permit.

- ✓ Visit the Army Corps of Engineers online at:  
[www.nws.usace.army.mil/PublicMenu/Menu.cfm?sitename=REG&pagename=staff\\_2](http://www.nws.usace.army.mil/PublicMenu/Menu.cfm?sitename=REG&pagename=staff_2).
- ✓ See the Permit Handbook for more information:  
<http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=36>.

**Hydraulic Project Approval (HPA).** If the construction of your facility will divert, obstruct or change the natural flow of water or bed of any of the salt or fresh waters of the state, you will need a Hydraulics Permit from the Department of Fish and Wildlife. Contact a regional biologist early to discuss your project to ask for suggestions for how to design your site to minimize the permit requirements. You may be able to eliminate this permit by modifying your site design.

- ✓ Department of Fish and Wildlife regional offices: [wdfw.wa.gov/reg/regions.htm](http://wdfw.wa.gov/reg/regions.htm).
- ✓ More information about HPAs: [wdfw.wa.gov/hab/hpapage.htm](http://wdfw.wa.gov/hab/hpapage.htm).
- ✓ See the Permit Handbook for more information and the process flowchart at:  
<http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=25>.

**Coastal Zone Management (CZM) Consistency.** If your facility is in one of Washington's 15 coastal counties and it is determined you need a 404 permit or a 401 Water Quality Certification, you will automatically need a CZM decision by Ecology. To get a decision, submit the CZM Consistency Checklist and all necessary information that describes how your project is consistent with Washington's Coastal Zone Management Program.

- ✓ More Information: [www.ecy.wa.gov/programs/sea/czm/fed-consist.html](http://www.ecy.wa.gov/programs/sea/czm/fed-consist.html).
- ✓ See the Permit Handbook for more information and the process flow chart  
<http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=46>.

**Aquatic Land Use Authorization.** If you will cross over or impact aquatic land owned by the State of Washington, when you build your facility, you will need an Aquatic Land Use Authorization from the Washington Department of Natural Resources. Before you apply, contact the Department of Natural Resources regional office near you to discuss your project.

- ✓ Department of Natural Resources regional offices: [www.dnr.wa.gov/base/regions.html](http://www.dnr.wa.gov/base/regions.html).
- ✓ See the Permit Handbook for more information and the process flowchart: <http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=31>.
- ✓ Download the application at [www.dnr.wa.gov/htdocs/aqr/forms/longformapp.doc](http://www.dnr.wa.gov/htdocs/aqr/forms/longformapp.doc).

## Step #4: Additional Regulatory Steps for Operating a Facility

**Fuel Registration Requirement.** Biodiesel producers who plan to sell fuel commercially need to register their fuel with the Environmental Protection Agency (EPA). New fuel must pass the Tier 1, Tier 2 human health and the environment testing. The National Biodiesel Board currently holds the rights to the EPA approved biodiesel tests. To get the rights to use these test results, you must join the National Biodiesel Board and pay a fee.



- ✓ National Biodiesel Board: [www.biodiesel.org/](http://www.biodiesel.org/).
- ✓ EPA's diesel fuel web site: [www.epa.gov/otaq/regs/fuels/diesel/diesel.htm#regs](http://www.epa.gov/otaq/regs/fuels/diesel/diesel.htm#regs).

**Dangerous Waste Management.** If your facility will produce dangerous waste while operating or during maintenance you will need a Resource Conservation and Recovery Act (RCRA) Site Identification Number. The dangerous wastes you generate at your facility must be properly handled, labeled, stored and disposed. The steps for designating waste are in Washington's Dangerous Waste Regulations (Chapter 173-303 WAC).

- ✓ See the Permit Handbook for more information and the process flowchart: <http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=10>.
- ✓ Free downloadable hazardous waste labels: [www.ecy.wa.gov/programs/hwtr/hw\\_labels/index.html](http://www.ecy.wa.gov/programs/hwtr/hw_labels/index.html).

**Hazardous Substance Use Reporting (Emergency Planning and Community Right to Know Act (EPCRA)).** If you plan to store certain hazardous chemicals at your facility you will need to submit annual reports on the storage and use of these hazardous chemicals.

- ✓ More information about EPCRA: [www.ecy.wa.gov/epcra/index.html](http://www.ecy.wa.gov/epcra/index.html).
- ✓ See the process flow chart [www.ecy.wa.gov/programs/sea/pac/ppds\\_info/epcra\\_schematic.pdf](http://www.ecy.wa.gov/programs/sea/pac/ppds_info/epcra_schematic.pdf).
- ✓ See the chemicals subject to this reporting rule: [www.epa.gov/ceppo/pubs/title3.pdf](http://www.epa.gov/ceppo/pubs/title3.pdf).

**Over Water Oil Transfer.** If you plan to transfer liquid with any percentage of petroleum-based oil, over state waters, you must have a prevention and response plan. Washington State may require training, recordkeeping, and certain procedures and require you to have the ability to pre-boom the vessel depending on the operation and the type of vessel involved.

You may also be subject to Coast Guard regulations if you transfer oil with a vessel that has a total oil capacity of 10,500 gallons or more. Ecology is currently writing a rule to promote zero oil spills. Although these rules are not yet in place, there are steps you can take at your facility to prevent an oil spill during the transfer of oil.

For example, you can:

- Provide adequate lighting for the areas where the over water transfers will occur;
- Cache spill response kits near the transfer area,
- Train employees on how to prevent spills and how to respond;
- Provide access for emergency response vehicles to the transfer area.
- Read the report to the Legislature: <http://www.ecy.wa.gov/pubs/0508005.pdf>.
- Read the Facility Oil Spill Prevention Plan Standards rule: [www.ecy.wa.gov/pubs/wac173180d.pdf](http://www.ecy.wa.gov/pubs/wac173180d.pdf).

**Certificate of Industrial Insurance Coverage.** All biodiesel facilities need to get an Employer Liability Certificate from the Washington Department of Labor and Industry. This certificate verifies that a company has industrial insurance coverage.

- More information about workplace safety: [www.lni.wa.gov/Safety/default.asp](http://www.lni.wa.gov/Safety/default.asp).
- Employer Liability Certificate (Certificate of Coverage) Information: [www.lni.wa.gov/ClaimsIns/Insurance/Uninsured/EmpCert/default.asp](http://www.lni.wa.gov/ClaimsIns/Insurance/Uninsured/EmpCert/default.asp).

## Step #5: Free Technical Assistance to Save Money and Prevent Waste

**Pollution Prevention Free Assistance.** Contact the Pollution Prevention Program at an Ecology regional office near your project for free technical assistance. Specialists can review your process design to help you find ways to achieve zero hazardous waste discharges and minimize the production of non-hazardous waste.

Call the ORA Call Center to find out who to contact in Ecology's Hazardous Waste and Toxics Reduction Program.

**Technical Resources for Engineering Efficiency (TREE) Program:** If you want to use a team of free environmental engineers and specialists to evaluate how your facility can reduce its overall environmental impact, contact the TREE program. Engineers and specialists from Ecology can help you identify opportunities that reduce your facilities environmental impact, while also meeting your company's financial payback requirements. Areas that may be assessed include hazardous waste, water use, wastewater, solid waste, and energy use. As technical assistance officers, TREE team members can visit a facility and make recommendations with no enforcement authority. You choose what opportunities you want to implement.



- ✓ Read more about the TREE Program at: [www.ecy.wa.gov/programs/hwtr/TREE/index.html](http://www.ecy.wa.gov/programs/hwtr/TREE/index.html).

## Step# 6: Licenses, Taxes and Tax Benefits

**Washington State Master Business License.** Biodiesel facility operators must get a business license from the Washington Department of Licensing (DOL). A DOL licensing specialist can help you develop a "licensing package" customized for your specific needs. They can also answer questions about contracting licenses or bonding.

- ✓ Contact the department at (360) 664-1400, ext.7 or online at: [www.dol.wa.gov/mls/buslic.htm](http://www.dol.wa.gov/mls/buslic.htm).

**Fuel Tax License.** If you plan to blend fuel at your biodiesel facility you will need a fuel tax license from DOL. This license allows you to blend taxed fuel with another liquid that is not taxed to produce an end product. Tax is imposed on the volume of product that was not previously taxed.

- ✓ More information and license application: [www.dol.wa.gov/forms/441750f.pdf](http://www.dol.wa.gov/forms/441750f.pdf).
- ✓ Fuel Tax Fact Sheet: [www.dol.wa.gov/vs/ft-faq.htm#office](http://www.dol.wa.gov/vs/ft-faq.htm#office).

**Tax Benefits for Biofuel Sellers.** Tax benefits are available for persons who distribute and/or make retail sales of biodiesel fuel. Benefits apply to investments in:

- construction of new facilities,
- machinery,
- equipment, and
- delivery vehicles used for the retail sale of biodiesel.

Income from distribution or retail sales of biodiesel fuel may be deducted from the Washington Business and Occupation tax.

- ✓ More information: [www.dor.wa.gov/docs/pubs/specialnotices/2003/sn\\_03\\_biofuelsn.pdf](http://www.dor.wa.gov/docs/pubs/specialnotices/2003/sn_03_biofuelsn.pdf).

**Tax Benefits for Biofuel Manufacturers.** Tax benefits for biodiesel manufacturers are available. Tax benefits include: property tax exemption, leasehold tax exemption and a lower Business and Occupation tax rate.

- ✓ More information: [www.dor.wa.gov/docs/pubs/specialnotices/2003/sn\\_03\\_mfgbiofuel.pdf](http://www.dor.wa.gov/docs/pubs/specialnotices/2003/sn_03_mfgbiofuel.pdf).
- ✓ Download the application at: [www.dor.wa.gov/docs/forms/proptx/forms/exmprealperspropusdinmanf.pdf](http://www.dor.wa.gov/docs/forms/proptx/forms/exmprealperspropusdinmanf.pdf).



# Online Resource to Help You through the Permitting Process

## Environmental Permit Handbook

Try the Environmental Permit Handbook for the most current information about permits in Washington. This handbook gives a summary for the most common local, state and federal environmental permits in Washington. It has contact information, access to permit applications, review time frames, fees, and more.

- ✓ Download a copy of the handbook at <http://apps.ecy.wa.gov/permithandbook/>.
- ✓ Contact the ORA Call Center at the number below to have them send you a copy.

## On-Line Permit Assistance System

You can also try the *On-Line Permit Assistance System* to find out what permits you will need. Fill out the questionnaire at <http://apps.ecy.wa.gov/opas>, submit it, and within moments you will get a list of permits you will most likely need for your project.

## Permit Process Schematics

The process schematics are flow charts that break down the steps in each of the permit processes.

- ✓ You can see over 20 schematics online at [www.ecy.wa.gov/programs/sea/pac/ppds\\_info/review.htm](http://www.ecy.wa.gov/programs/sea/pac/ppds_info/review.htm).

## Contact Information



For specific questions or general advice, contact the Office of Regulatory Assistance Call Center at 1-800-917-0043 or [assistance@ora.wa.gov](mailto:assistance@ora.wa.gov).

Contact a Regional Regulatory Assistance Lead near your project site if you want assistance with:

- identifying state agency contacts,
- understanding the permit process, or
- a pre-application consultation.

## Regional Regulatory Assistance Leads:

Central: Holly Cushman: 509-575-2384  
Eastern: Michele Vazquez: 509-329-3460

Northwest: Sheila Hosner: 206-649-7114  
Southwest: Sally Toteff: 360-407-6957

*If you need special accommodations or require this information in an alternative format please contact the Office of Regulatory Assistance at 1-800-917-0043 (voice). Those with speech or hearing impairment may call 711 for relay service or 800-833-6388 for TTY.*